

REMARKS

Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested. Claims 13-33 are currently pending in the application and stand rejected and claims 1-12 and 34 have been previously cancelled.

Rejection Under 35 U.S.C. §112

Claims 13-33 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, as set forth in paragraphs 3-4 of the Office Action. In view of claims 13 and 23 as presently amended, applicant respectfully traverses this rejection. Claims 13 and 23 have been amended to more clearly point out that the incoming telephone call that became disconnected due to the channel failure has been reconnected via a different channel.

Rejection Under 35 U.S.C. §102

Claims 13-17, 20, 23, 26, 27 and 30 stand rejected under 35 U.S.C. §102(b) as being anticipated Masuhiro, as set forth in paragraphs 5-6 of the Office Action. In view of the claims as presently amended, applicant respectfully traverses this rejection.

Masuhiro discloses a telephone terminal 30, 31 connected to a PBX system 20, 21, where the two PBX systems (also known as switches) are in turn, connected to each other via an IP network 10 or an ISDN link 11. It is important to note that Masuhiro shows PBX systems interconnected by various network topology. It does not teach or disclose an automatic call distributor (ACD) coupled to a telephone terminal or agent station by a plurality of networks.

In contrast, applicant's claimed invention is a telephone terminal or agent station 32 coupled to a transaction processing system or automatic call distributor (ACD) 16 by a plurality of networks.

The agent station is not coupled to a PBX, as is shown in Masuhiro. There is a significant difference between an ACD and a PBX or switch. In Masuhiro, the telephone terminal 30 is directly coupled to the switch or PBX 20. In applicant's invention, the agent station 32 is coupled to the ACD 16, which is in turn coupled to the switch or PSTN 18. It is not a trivial matter to include the ACD 16 between the agent telephone system and the PSTN 18, and this feature is not disclosed in Masuhiro.

Again, in Masuhiro, two switches or PBX's are coupled by a plurality of networks. This is a common practice and is well known. The PBX or switch represents a major infrastructure investment by the operator, and is very expensive, and connecting two PBX systems via multiple networks is a very deliberate choice, not easily modified once implemented. Thus, the PBX system and the network link to other PBX systems is essentially fixed at the time of installation and not often modified.

In contrast, in applicant's claimed invention, the plurality of networks are installed between the telephone terminal or agent system 32 and the ACD 16. This is a simple interface and permits a wide range of flexibility. For example, to install the Ethernet phone network 90 shown in Fig. 4, it is a simple matter of inserting an Ethernet card in the agent telephone system, which Ethernet card may cost as little as \$100. This is similar to installing an Ethernet card in a standard personal computer. It is a quick and inexpensive process. This is because such network interfaces couple the agent telephone terminal 32 with the ACD, and are not connected to the PBX or switch like the system in Masuhiro. Again, an ACD is not a PBX or switch and the two components cannot be equated--they are very different.

First, the element of an ACD is totally missing in Masuhiro. Second, the element of an agent telephone system coupled to the ACD is missing in Masuhiro, where in Masuhiro, the telephone is

directly coupled to the PBX. And third, the element of a plurality of networks coupling the agent telephone system to the ACD is missing in Masuhiro, where in Masuhiro, it is the PBX systems themselves that are coupled by the plurality of networks. One cannot simply eviscerate the element of the ACD in the claimed invention and logically compare it to the system in Masuhiro.

Because at least one significant element of applicant's claimed invention is missing from the system in Masuhiro, Masuhiro cannot anticipate applicant's claimed invention. Accordingly, applicant asserts that claims 13 and 23 are allowable over Masuhiro and that claims depending from claims 13 and 23, respectively are allowable as depending from allowable base claims.

Applicants respectfully note that anticipation focuses on whether a claim reads on the product or process that a prior art reference discloses, not on what the reference broadly "teaches." Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). As the Examiner is aware, each and every element of a claim must be shown in the "four corners" of the reference. "To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter." PPG Industries v. Guardian Industries, 75 F.3d 1558, 37 U.S.P.Q.2d 1618 (Fed. Cir. 1996).

Rejection Under 35 U.S.C. §103

Other claims stand rejected under 35 U.S.C. §103 as being unpatentable over Masuhiro as the primary reference in view of various combinations to Arndt, Border, Pogossiants, and Myer as secondary references, as set forth in paragraphs 7-11 of the Office Action. In view of the claims as presently amended, applicant respectfully traverses this rejection.

Applicant reasserts the above argument in traversing the Examiner's rejection regarding Masuhiro. In the present case, none of the references, taken either individually or in combination,

suggest applicant's claimed system. None of the secondary references add anything of significance to the combination, and none of such these secondary references teaches or suggests the key feature missing from Masuhiro, namely that the plurality of networks couple the agent telephone to the ACD, and there is no connection between the agent telephone system and the switch or PSTN, because the ACD is disposed between the agent telephone system and the PSTN.

Closing Remarks


For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920.

Respectfully submitted,

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July 6, 2006
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